



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/171277

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 08, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Door County Department of Social Services in regard to FoodShare benefits (FS), a hearing was held on February 08, 2016, at Sturgeon Bay, Wisconsin.

The issue for determination is whether the agency erred in determining a \$16 FS allotment to be appropriate.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

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Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]

Door County Department of Social Services  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235-0670

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Door County.
2. Petitioner had an ongoing FS case as a one-person household.

3. On January 6<sup>th</sup>, the agency also received verification from the employer [REDACTED] dated 1/5/16 which indicated usual hours of 20-30 per week at a pay rate of \$8.50 per hour. The agency determined that petitioner's appropriate FS allotment was \$16 per month (see ex. #3).
4. Petitioner filed a timely appeal.
5. On or around 1/8/16, petitioner contacted the agency and informed the agency that the income the agency relied upon was not correct. The agency asked petitioner to submit her latest 30 days of pay stubs from her employers.
6. On or around 1/20/16, petitioner provided two paystubs from [REDACTED] for the period from December 13, 2015 to January 9, 2016, and two paystubs from [REDACTED] for the period from December 6, 2015 to January 2, 2016. The [REDACTED] stubs indicate a gross biweekly income of \$409.38 and \$246.91. The [REDACTED] stubs indicate a biweekly gross income (including reported tips) of \$531.42 and \$224.31.
7. Using the pay stubs, the agency determined that \$16 was the correct monthly allotment (see ex. #3).

### DISCUSSION

Foodshare allotments are a function of household composition and household income. The allotment is determined by the use of the most reliable income data available to the agency. According to the allotment table found at § 8.1.2 of the FoodShare Wisconsin Handbook, the \$16 monthly allotment is the appropriate allotment for a single person household with a monthly net income between \$591 and \$1,606. Petitioner's income fell within this amount as calculated by the agency when using the employer-provided data and also when using the petitioner-provided pay stubs.

At hearing, petitioner argued that the pay stub include some one-time payments that are not typical. If that is the case, then the petitioner should provide updated pay stubs to the agency in order to have the allotment recalculated. On this record, the agency's calculations appear to be correct and they are not disputed by petitioner. The agency appears to have relied on the best and only data provided to it. The petitioner will have to provide new data to support the need or appropriateness of a change.

### CONCLUSIONS OF LAW

The agency did not err in calculating a \$16 monthly allotment based on the income data available to the agency.

**THEREFORE, it is**

**ORDERED**

That this appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 1st day of March, 2016

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\sJohn P. Tedesco  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on March 1, 2016.

Door County Department of Social Services  
Division of Health Care Access and Accountability